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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/530,983	05/08/2000	GUSTAVO DECO	P000861	5072

7590 12/03/2002

SCHIFF HARDIN & WAITE  
PATENT DEPARTMENT  
6600 SEARS TOWER  
CHICAGO, IL 60606-6473

EXAMINER

OROPEZA, FRANCES P

ART UNIT	PAPER NUMBER
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3762

DATE MAILED: 12/03/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/530,983

Applicant(s)

DECO ET AL.

Examiner

Frances P. Oropeza

Art Unit

3762

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 12 November 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other:

FACSIMILE COVER SHEET

Our Reference: 09/530,983  
Your Reference: P000861

Date: 12/19/02  
To: Matthew Q. Ammon (202) 434-1513  
Firm: Staas & Halsey, LLP  
Telephone Facsimile Number: (202) 434-1501

Total pages including cover: 2

From: Frances P. Oropeza  
U.S. Patent and Trademark Office  
Telephone: 703-605-4355  
Facsimile: 703-306-4520

Message:

Dear Mr. Ammon,

Attached please find a copy of the corrected Office Action Summary for  
Paper No.17.

Sincerely, Fran



Paper No. 17

## DETAILED ACTION

### *Continued Examination Under 37 CFR 1.114*

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/13/02 has been entered.

### *Response to the Amendment of 11/12/02*

2. Claims 1-18 are pending in this application. Of these claims, claims 1, 16, 17 and 18 are independent.

3. The Applicant has amended claims 1, 16, 17 and 18 to include the element of "continuous" information flow. The Applicant made this change "pursuant to the Examiner's suggestion in the Advisory Action".

When the Examiner suggested "the information flow" be "described as continuous", it was because the Applicant had conveyed to the Examiner in his arguments that his invention was misunderstood by the Examiner. The Examiner understood from the Applicant's arguments the information flow process to be a dynamic, continuously changing process, and that it is the monitoring the process of change, rather than the change itself, that serves as the basis of the instant invention. If the Examiner is correct, and this is the invention, this invention must be claimed in the claim language.

The Examiner suggested in the Advisory Action that an amendment of the claims be submitted, the amendment clarifying the relation of the information flow to the normal changes

or dynamics of the system. The Examiner's comments were not intended to indicate a single word amendment in the independent claims would convey the invention. The Applicant needs to consider all the claim language and amend all claims as needed to convey the Applicant's inventive notion.

As related to the 35 U.S.C. 102(b) rejection of record, Ravdin et al. disclose a method for data processing utilizing a neural network to predict the future occurrence of non-existent medical conditions. The data processing by the neural network entails successive data iterations, read to be using a continuous information flow, to make successful predictions of patient relapse (c 9, ll 49-52).

The Examiner deems the prior art of record reads on the amended claims, hence the rejections of record stand as noted in paragraphs 5 and 6 of this action.

4. As related to the 35 U.S.C. 103(a) rejection over Ravdin et al (US 5862304) in view of Abrams et al. (US 6117066), the Applicant stated "the Examiner has not yet pointed to any motivation to combine, in the references themselves". The Examiner did provide the motivation to combine the references, based on passages from the references, in the Advisory Action; that motivation is repeated below:

"The reference are deemed combinable because Ravdin et al." (US 5862304) "disclose a method to predict a medical condition (c 1, ll 9-11), that medical condition being cancer or psychiatric problems (c 3, ll 18-28), so appropriate therapy can be selected (c 1, ll 25-28) and Abrams et al. (US 6117066) teach the treatment of psychiatric disorders (abstract), read as teaching appropriate therapy for psychiatric problems."

The Examiner also noted in the Advisory Action that the original rejection contained a motivation to combine the references (Paper No. 10, paragraph 5).

***Claim Rejections - 35 USC § 102***

5. Claims 1-3, 10, and 16-18 stand rejected under 35 U.S.C. 102(b) as being anticipated by Ravdin et al. (US 5862304) for the reasons of record and the discussion above.

***Claim Rejections - 35 USC § 103***

6. Claims 4-9 and 11-15 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Ravdin et al. (US 5862304) in view of Abrams et al. (US 6117066) for the reasons of record and the discussion above.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fran Oropeza whose telephone number is (703) 605-4355. The examiner can normally be reached on Monday – Thursday from 6 a.m. to 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Angela D. Sykes can be reached on (703) 308-5181. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 306-4520 for regular communication and (703) 306-4520 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0858.

Frances P. Oropeza  
Patent Examiner  
Art Unit 3762

*FPO*  
*12/1/02*

*[Signature]*  
JEFFREY R. JASTRZAB  
PRIMARY EXAMINER  
*3762*  
*12/2/02*